

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards Committee **Date:** 2 July 2008

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.30 - 9.04 pm

Members Present: Ms M Marshall (Independent Member) (Chairman), B Surtees (Parish or Town Council Deputy), Mrs D Borton (Parish or Town Council Representative), B Rolfe (Epping Forest Council Appointee), Mrs P Smith (Epping Forest Council Appointee), G Weltch (Independent Member) and M Wright (Independent Member)

Other Councillors:

Apologies:

Officers Present: G Lunnun (Assistant Director Democratic Services), C O'Boyle (Director of Corporate Support Services) and I Willett (Assistant to the Chief Executive)

1. CHAIRMAN OF THE COUNCIL

The nomination of Ms M Marshall as Chairman of the Committee having been formally moved and seconded, it was:

RESOLVED:

That Ms M Marshall be elected Chairman of the Committee for the municipal year 2008/09.

2. APPOINTMENT OF VICE-CHAIRMAN

The Committee was asked to consider whether it wished to appoint a Vice-Chairman for the coming year. A Vice-Chairman had not been appointed in the past but it was considered prudent to make an appointment to cover for the Chairman when necessary. The Committee noted that such an appointment would require a change to the Council's Constitution and would therefore be subject to Council approval.

The nomination of Mr G Weltch as Vice-Chairman of the Committee having been formally moved and seconded, it was:

RESOLVED:

That, subject to Council approval, Mr G Weltch be appointed Vice-Chairman of the Committee for the municipal year 2008/09.

3. MINUTES

The Chairman welcomed Councillor Rolfe to his first meeting of the Committee and acknowledged the contribution to the work of the Committee which had been made by Councillor Mrs J H Whitehouse.

RESOLVED:

That the minutes of the meeting of the Committee held on 24 April 2008 be taken as read and signed by the Chairman as a correct record.

4. DECLARATIONS OF INTEREST

No declarations of interest were made pursuant to the Council's Code of Member Conduct.

5. LOCAL ASSESSMENT OF ALLEGATIONS OF MISCONDUCT BY COUNCILLORS

The Committee considered a report on the local initial assessment of complaints of misconduct by members. Previously a complaint of misconduct by a member had been submitted to the Standards Board for England (SBE), and the referrals unit of the SBE had determined whether the allegation appeared to disclose a failure by a member to comply with the authority's Code of Conduct and whether the allegation merited investigation. From 8 May 2008, all such complaints were now to be made to the Standards Committee of the authority with an expectation that each allegation be would assessed within 20 working days of receipt.

The Committee considered the issues which needed to be addressed in order to meet the new requirements.

Members noted that the legislation required the establishment of a Sub-Committee (the SBE had advised that this should be known as the "Assessments Sub-Committee") which would undertake the initial assessment and decide whether the complaint showed an apparent failure to comply with the Code of Conduct and, if so, whether that complaint merited investigation or other action. If the Assessments Sub-Committee decided to take no action in respect of an allegation, the complainant then had 30 days within which to request the authority to review that decision. The Act required the setting up of a second Sub-Committee (the "Reviews Sub-Committee) to conduct that review. No member could sit on the Reviews Sub-Committee in respect of complaint if they had served on the Assessments Sub-Committee for the same complaint. If the matter was then referred for investigation a hearing would be held. The Standards Committee had recommended that such hearings should be held before a Sub-Committee (a "Hearings Sub-Committee"). Members noted that whilst the legislation prohibited any member from sitting on both the Assessments and Reviews Sub-Committee on the same case there was no similar statutory prohibition in respect of the Hearings Sub-Committee. In addition the SBE had advised that if a member had been involved in the case either at the Assessments Sub-Committee or the Reviews Sub-Committee stage there was no reason why they should be precluded from serving on the Hearings Sub-Committee.

The Committee considered the composition of the required Sub-Committees taking account of the need for:

- (a) at least 25% of each Sub-Committee to be independent members, one of whom must be present to chair the meeting;
- (b) at least one elected member of the District Council to be present at each meeting; and
- (c) at least one member to be a parish or town council representative if the Sub-Committee was dealing with a complaint in respect of the conduct of a councillor in the capacity of a local council member.

The Committee considered terms of reference for the Assessments Sub-Committee and the Reviews Sub-Committee.

The Sub-Committee determined that having regard for the need to call meetings of the Assessments Sub-Committee urgently to comply with the 20 day time limit the membership of such Sub-Committees should be determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee on an ad hoc basis. Members considered this to be preferable to a fixed membership which could make it more difficult to convene a meeting quickly in the event of absence of a member for any reason. Members noted that any review of a decision by the Assessments Sub-Committee had to be conducted within three months of a request being made. Also a Hearings Sub-Committee had to be held within three months of receipt of the investigation report. Acknowledging that there was more flexibility to arrange such meetings on a date to suit the available members, the Committee determined that the arrangements for appointing the Reviews and Hearings Sub-Committee meetings should be conducted in the same way as for the Assessments Sub-Committee.

The Deputy Monitoring Officer reported that the legislation provided for authorities to appoint joint committees to discharge all or any of their functions in relation to complaints without maintaining their own separate Sub-Committees. Members noted that such joint working might be more acceptable in terms of the initial assessment and the review, rather than the actual hearings which might benefit from a more "local" approach. However, the regulations bringing these provisions into force had not yet been made.

The Committee considered the steps to be taken to notify a councillor of the receipt of a complaint taking account of advice of the SBE.

The Deputy Monitoring Officer reported that there was no formal process for local resolution of complaints in the legislation, although regulations enabled the Assessments Sub-Committee to propose conciliation or some other course as an alternative to a formal investigation. However, in a situation where the member concerned had acknowledged that his/her conduct was at fault and had apologised, and the complainant had accepted that the complaint should not proceed to formal investigation, the Assessments Sub-Committee could determine that no further action was required. In order to cover this situation, the Committee considered the adoption of a local protocol authorising the Monitoring Officer to seek such local resolutions in appropriate cases. The Committee noted that SBE experience had been that the large number of complaints received did not relate to the Code of Conduct for members. The legislation provided that the function of initial assessment of complaints had to be conducted by the Standards Committee or by a Sub-Committee and did not allow for delegation of this function to the Monitoring Officer. The Committee agreed that where the Monitoring Officer identified that a complaint had clearly related to a request for an additional service from the authority or as a statement of policy disagreement she should be authorised to respond to the

complainant on how the matter could be dealt with, only reporting to the Assessments Sub-Committee if the complainant insisted that the matter be dealt with as a Standards complaint.

The Deputy Monitoring Officer reported that there was nothing in the legislation which required a complaint to be signed by the complainant. Members noted that the SBE had entertained some anonymous complaints but that this had given rise to concern. The Committee considered whether anonymous complaints should be entertained.

The Committee noted that it was not uncommon that a single event gave rise to similar complaints from a number of different complainants. The legislative position was that each separate complaint had to be considered and that even where a meeting of the Assessments Sub-Committee had previously decided that no action be taken upon an identical complaint, a subsequent complaint had to be considered by the Sub-Committee.

The Deputy Monitoring Officer emphasised that the Assessments Sub-Committee had to decide whether an allegation appeared to disclose a failure to comply with the Code of Conduct and whether it merited investigation. He suggested that where the Sub-Committee had only a letter of complaint it would not always be easy to assess whether there was any substance to the allegation. In some situations there might be information which might substantiate, or contradict the allegation and so make it easier for the Sub-Committee to determine whether the complaint had any substance. The Committee considered whether the Monitoring Officer should be authorised to check publicly available information between receipt of the complaint and the meeting of the Assessments Sub-Committee in order to assist the process.

The Committee considered whether meetings of the Assessments, Reviews and Hearings Sub-Committees should be held in public or private. The Committee also considered aspects of the Data Protection Act and the Freedom of Information Act in relation to complaints about members. Attention was drawn to the requirements in relation to notification of initial assessment and review of initial assessment decisions. Members noted that previously where the Monitoring Officer's investigation had concluded that there had not been a failure to observe the Code of Conduct, the Monitoring Officer's report had to be submitted to the Standards Committee for a decision on whether it accepted that conclusion, or whether it wished to conduct a formal hearing. In cases where the Monitoring Officer's investigation had concluded that there had been a failure to observe the Code of Conduct, the previous regulations had provided for the matter to proceed directly to a local hearing. Members noted that the new regulations added an extra step. The Monitoring Officer's report now had to be reported to the Standards Committee or a Sub-Committee to decide what action should be taken before an actual hearing could be arranged. Members considered the process for undertaking this step.

Members noted that appropriate publicity had already been given to the new arrangements. The Committee also noted the resource implications of undertaking the new procedures.

RESOLVED:

Assessments Sub-Committee

- (1) That an Assessments Sub-Committee comprising three members of the Standards Committee be established to carry out initial assessments of complaints;

- (2) That the terms of reference for the new Sub-Committee be approved as set out in Appendix 1 to these minutes;

Reviews Sub-Committee

- (3) That a Reviews Sub-Committee be established comprising three members of the Standards Committee to carry out reviews of decisions by the Assessments Sub-Committee;

- (4) That the terms of reference of the new Sub-Committee be approved as set out in Appendix 2 to these minutes;

Standards Committee

- (5) That a report be submitted to the Council recommending:

- (a) that the number of District Council members of the Standards Committee be increased to three and an appointment to the additional place be made at the Council meeting;

- (b) that the number of parish/town council representatives be increased to three, with the present deputy becoming one of the members;

Hearings Sub-Committee

- (6) That Hearings Sub-Committees be convened as and when required;

Appointments to Assessments Sub-Committee, Reviews Sub-Committee, and Hearings Sub-Committee

- (7) That the Monitoring Officer, in consultation with the Chairman of the Standards Committee make appointments to the Assessments, Reviews and Hearings Sub-Committees when required and in accordance with statutory requirements;

Joint Working

- (8) That further consideration be given to a policy for joint working with other local authorities when further Government regulations are published;

Notifications to Councillors and Complainants

- (9) That the Monitoring Officer be authorised:

- (a) to notify the relevant councillor of the receipt of a complaint, the name of the complainant and a summary of the complaint prior to the despatch of case details to the Assessments Sub-Committee, notification to include, where necessary any decision regarding confidentiality;

- (b) to acknowledge receipt of allegations to complainants at the same time as notification under (9)(a) above;

- (10) That the Monitoring Officer be required to consult the Chairman of the Standards Committee on any cases where delayed notification is appropriate;

Local Resolution of Complaints

(11) That the local protocol set out in Appendix 3 to these minutes be adopted to enable the Monitoring Officer to seek local resolution of complaints where possible in advance of an Assessments Sub-Committee meeting;

Assessment Criteria

(12) That the criteria for initial assessments of complaints as set out in Appendix 4 be approved;

Anonymous Complaints

(13) That, as a matter of policy, complaints made anonymously be not considered;

(14) That the Monitoring Officer be authorised, in consultation with the Chairman of the Standards Committee, to keep the identity of a complainant confidential where she feels that this would be in the public interest;

Pre-Investigation by the Monitoring Officer

(15) That the Monitoring Officer be authorised to obtain and supply to the Assessments Sub-Committee any publicly-available information which is considered helpful in the consideration of any complaints;

Meeting Arrangements – Assessments, Reviews and Hearings Sub-Committees

(16) That the Assessments and Reviews Sub-Committee meetings be held in private session unless there are exceptional circumstances which warrant the proceedings being held in public;

(17) That as a matter of policy, all meetings of the Hearings Sub-Committee be held in public session unless there are clear statutory grounds for its proceedings to take place in private session, subject in the case of a hearing where the member who is the subject of the complaint is not present, the officers ensuring that the decision is made known to that member prior to any media announcement of the decision;

Results of Investigations

(18) That the functions of determining whether to accept a finding by the Investigating Officer of no breach of the Code of Conduct or to proceed to a local hearing in cases where the finding is that a breach of the Code has been found be delegated to the Assessments Sub-Committee members who undertook the initial assessment with the Monitoring Officer sending them details by post and only calling a formal meeting of those members in the event of there not being unanimous support for the action recommended in the Investigating Officer's report;

Interim Arrangements

(19) That, pending the adoption of the revised Constitution for the Standards Committee and the appointment of additional members of the Committee, the Monitoring Officer, in consultation with the Chairman of the

Standards Committee, be authorised to convene meetings of any Sub-Committee in compliance with statutory requirements when any complaint is received; and

Review of Arrangements

(20) That these arrangements be reviewed by the Standards Committee after a period of 12 months of operation.

6. CONSTITUTION - ARTICLE 9 - THE STANDARDS COMMITTEE - REVISIONS

The Committee considered a proposed revised Article 9 of the Council's Constitution reflecting the new duties.

RESOLVED:

That a report be submitted to the Council recommending adoption of the revised Article 9 attached as Appendix 5 to these minutes.

7. ADMINISTRATION OF THE LOCAL ASSESSMENT SCHEME

The Committee noted that the Standards Board for England had issued guidance on the administration of the local assessment scheme. In compliance with that guidance the new system had already been published:

- (a) on the Council's website;
- (b) by placing a public notice in the local newspaper;
- (c) by placing an article in the Council's own magazine, the Forester; and
- (d) by issuing a press release.

The Committee also noted that the Standards Committee and the Local Democracy web pages on the Council's website now included a link to a new page on councillor conduct which gave information about the scheme.

The Committee considered a suggested complaint form to be included on the website.

The Committee also noted that the Standards Board for England had set up a reporting system for local complaints. Local authorities' Standard Committees were required to submit a return at the end of each quarter on the number and types of complaints. The system would also enable the tracking of complaints and the results of the assessments, reviews, and hearings to be monitored.

RESOLVED:

- (1) That the steps being taken by the Local Assessment Officer to introduce the new procedures for dealing with complaints against councillors be noted;
- (2) That the notes accompanying the proposed complaint form be amended to reflect the views of the Committee; and

- (3) That the clerks of parish and town councils be advised of the new procedures and invited to contact District Council officers for clarification, if required.

8. DATES OF FUTURE MEETINGS

The Committee noted that the calendar for 2008/09 provided for meetings of the Committee on 15 July 2008, 13 October 2008, 27 January 2009 and 14 April 2009.

Members were advised that in the light of this additional meeting there was no business to be considered at the meeting scheduled for 15 July 2008.

RESOLVED:

That the meeting scheduled for 15 July 2008 be cancelled.

9. ASSESSMENTS SUB-COMMITTEE

The Committee was advised that there was a need to hold a meeting of the Assessments Sub-Committee as three complaints relating to two District Councillors had been received since the new procedures had come into force.

The Committee considered the make up of an Assessments Sub-Committee and the date for a meeting.

RESOLVED:

- (1) That arrangements be made for a meeting of the Assessments Sub-Committee comprising Mr M Wright (Chairman), Councillor Mrs P Smith and Councillor Mrs D Borton; and

- (2) That the meeting be held on 15 July 2008 commencing at 10.00 a.m.

CHAIRMAN

Terms of Reference of the Assessments Sub-Committee

1. Terms of Reference

- (a) The Assessments Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct.
- (b) Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
 - (i) refer the allegation to the Monitoring Officer, with an instruction that she arrange a formal investigation of the allegation, or directing that she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - (ii) refer the allegation to the Standards Board for England;
 - (iii) decide that no action should be taken in respect of the allegation; or
 - (iv) where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.
- (c) Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
 - (i) it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - (ii) the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
 - (iii) the matter should be referred to the Adjudication Panel for determination.
- (d) Where the Sub-Committee resolves to carry out any of the actions set out in paragraph 1(b) or 2(c) above, the Sub-Committee shall state its reasons for that decision.

2. Composition of the Assessments Sub-Committee

- 2.1 The Assessments Sub-Committee shall comprise 3 members, of whom 1 shall be an independent co-opted member of the Standards Committee, and who shall chair the Sub-Committee, and at least 1 elected member of the District Council. When the Assessments Sub-Committee considers a matter relating to the conduct of a person as a Parish or Town Councillor, the Sub-

Committee shall include a Parish or Town Council representative who is a member of the Standards Committee.

- 2.2 The appointment of members to the Sub-Committee shall be carried out by the Monitoring Officer in consultation with the Chairman of the Standards Committee on an ad hoc basis.
- 2.3 No meetings of the Sub-Committee shall be held unless all three members are in attendance.

3. Frequency of Meetings

The Sub-Committee shall meet on an ad hoc basis as and when necessary.

Terms of Reference of the Reviews Sub-Committee

1. Terms of Reference

- 1.1 The Reviews Sub-Committee is established to review, at the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Assessments Sub-Committee that no action be taken in respect of that allegation.
- 1.2 Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Assessments Sub-Committee and shall then do one of the following:
- (a) refer the allegation to the Monitoring Officer, with an instruction that she arrange a formal investigation of the allegation, or specifying that she take an alternative action as permitted by Regulations;
 - (b) refer the allegation to the Standards Board for England;
 - (c) decide that no action should be taken in respect of the allegation; or
 - (d) where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;
- and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.
- 1.3 Where the Sub-Committee resolves to carry out any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.

2. Composition of the Reviews Sub-Committee

The Reviews Sub-Committee shall comprise 3 members, of whom 1 shall be an independent co-opted member of the Standards Committee, who shall chair the Sub-Committee and at least 1 elected member of the District Council. When the Reviews Sub-Committee considers a matter relating to the conduct of a person as a Parish or Town Councillor, the Sub-Committee shall include a Parish or Town Council representative who is a member of the Standards Committee.

3. Frequency of Meetings

The Reviews Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Assessments Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.

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Monitoring Officer Protocol

Guidance to the Monitoring Officer on the discharge of functions in relation to the initial assessment and review of allegation that a member of the Authority has failed to comply with the Code of Conduct

1. Receipt of Allegations

- 1.1 The Monitoring Officer shall set up arrangements within the Authority to secure that any allegation made in writing that a member of the Authority has or may have failed to comply with the Authority's Code of Conduct is referred to her immediately upon receipt by the Authority.
- 1.2 The Monitoring Officer shall maintain a register of such allegations to ensure that the Authority can comply with its obligations under the relevant legislation.
- 1.3 Complaints shall only be considered where they are signed by the complainant, but the Monitoring Officer is authorised to maintain the confidentiality of the identity of the complainant where and for so long as in her opinion that would be in the public interest.

2. Notification of Receipt of Allegations

- 2.1 All relevant allegations must be assessed by the Assessments Sub-Committee, so the Monitoring Officer has no authority to deal with an allegation which appears to be an allegation of failure by a relevant member to observe the Code of Conduct other than by reporting it to the Assessments Sub-Committee. The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct. Where it appears not to be, she shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is really a request for service from the Authority, a statement of policy disagreement, a legal claim against the Authority or a complaint against an officer of the Authority.
- 2.2 Following receipt of the allegation, and where the allegation appears to be a complaint of misconduct against a relevant member, the Monitoring Officer will promptly, and in any case in advance of the relevant meeting:
 - (a) acknowledge to the complainant receipt of the allegation and confirm that the allegation will be assessed by the Assessments Sub-Committee at its next convenient meeting;
 - (b) notify the member against whom the allegation is made of receipt of the complaint, together with a written summary of the allegation, and state that the allegation will be assessed at a meeting of the Assessments Sub-Committee. However, where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any person's ability to investigate the allegation, she shall consult the Chairman of the Standards Committee, and may then decide that no such advance notification shall be given;

- (c) collect such information as is readily available and would assist the Assessments Sub-Committee in its function of assessing the allegation;
- (d) seek local resolution of the matter where practicable, in accordance with Paragraph 3 below;
- (e) place a report, including a copy of the allegation, such readily available information and her recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, on the agenda for the next convenient meeting of the Assessments Sub-Committee.

3. Local Resolution

- 3.1 Local resolution is not an alternative to reporting the allegation to the Assessments Sub-Committee, but should be regarded as a means of avoid the necessity of a formal local investigation.
- 3.2 Where the Monitoring Officer is of the opinion that there is the potential for local resolution, she shall approach the member against whom the allegation has been made and ask whether they are prepared to acknowledge that their conduct was inappropriate, and whether they would be prepared to offer an apology or undertake other appropriate remedial action. With the consent of the member concerned, the Monitoring Officer may then approach the complainant and ask whether the complainant is satisfied by such apology or other remedial action.
- 3.3 The Monitoring Officer should then report to the Assessments Sub-Committee as required, and at the same time report the response of the member concerned and of the complainant. The idea is that, where the member has acknowledged that his/her conduct was inappropriate, and particularly where the complainant is satisfied with the proffered apology or remedial action, the Assessments Sub-Committee might take that into account when considering whether the matter merits investigation.

4. Review of Decisions not to Investigate

- 4.1 Where the Assessments Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall promptly advise the complainant of the decision, and the complainant may then within 30 days of receipt of such notification request that the Reviews Sub-Committee review that decision.
- 4.2 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Reviews Sub-Committee the information which was provided to the Assessments Sub-Committee in respect of the matter, the summary of the Assessments Sub-Committee and any additional relevant information which has become available prior to the meeting of the Reviews Sub-Committee.

5. Local Investigation

- 5.1 The Monitoring Officer will not personally conduct a formal local investigation.
- 5.2 It will be for the Monitoring Officer, where appropriate after consultation with the Chairman of the Assessments Sub-Committee, to determine who to instruct to conduct a formal local investigation, and this may include, the Deputy Monitoring Officer, another senior officer of the Authority, a senior officer of another authority or an appropriately experienced consultant.

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Epping Forest District – Standards Committee

Local Assessment of Complaints – Criteria

The Standards Committee will **not** investigate complaints that are:

- Malicious, relatively minor, politically motivated, trivial or tit for tat.
- Made anonymously.
- Contain no prima facie evidence of a breach of the Code.
- Where the complainant has not supplied enough information to justify a decision to refer the matter for investigation or to evidence their complaint or have supplied information of too general a nature from which to make a judgement to investigate.
- Where an investigation would serve no useful purpose or is not serious enough to warrant a sanction or where only an apology was appropriate.
- The same, or substantially similar, complaint has already been the subject of an investigation or inquiry and there is nothing further to be gained by seeking the sanctions available to the Subcommittee or the local Standards Committees and where no new relevant evidence has been submitted.
- Acts carried out in the Member's private life, when they are not carrying out the work of the authority or have not misused their position as a Member.
- About dissatisfaction with a council decision, about the way the Council conducts or records its meetings, the way the Council has or has not done something.
- Within the Council's complaints process.
- About someone who is no longer a member of either the District Council or a Town or Parish Council within the area, or is a member of another authority.
- More than 1 year has passed since the alleged conduct occurred.
- Not suitable for local investigation (see referral criteria below).
- Where alternative action such as training, mediation would be more appropriate.

The Standards Committee may refer the following cases to the Standards Board for England:

- Where the status of the member(s) being complained of would make it difficult to deal locally with the complaint. For example: Complaints concerning the Leader of the Council, Cabinet member or leading opposition members, Chairman or Standards Committee members.

- Complaints from the Chief Executive, Monitoring Officer or Service Director.
- Instances where a large number of key people are conflicted out or where the authority itself might be perceived to have an interest in the outcome of the case.
- Instances where there has been national attention, or where the Standards Committee feels that the matter turns on an important point of interpretation of the Code (a test case).
- Where there are other public issue considerations, exceptional circumstances or allegations of governance dysfunction that would make it difficult for the authority to deal with the case fairly or speedily.
- Where the Assessment Sub-committee, having undertaken their initial assessment, believes that the matter should be dealt with at Standards Board level.

9.01 Standards Committee

The Council will establish a Standards Committee, to be known as the Epping Forest District Standards Committee.

9.02 Composition

(a) Membership

The Standards Committee will comprise:

- 3 Members of Council
- 3 Independent co-optees
- 3 Parish/Town Council representatives

Terms of Office

Each independent member shall serve for three years and be eligible for re-appointment. The Parish representatives shall be nominated by the Association of Local Councils (Essex Branch) for a term of one year and be eligible for nomination for further terms of one year. District Council representatives shall be appointed for terms of one year and be eligible for re-appointment.

(b) Independent Members

Independent members (including the Parish representative or the Parish deputy) will be entitled to vote at meetings.

(c) Parish Members

At least one parish member must be present when matters relating to parish councils or their members are being considered.

(d) Chairing the Committee

The Chairman of the Committee shall be appointed by the Committee from among those members who are not members of the District Council or of any Parish or Town Council.

(e) Vice-Chairman of the Committee

The Vice-Chairman of the Committee shall be appointed by the Committee from among those members who are not members of the District Council or of any Parish or Town Council.

9.03 Role and Function - General

The Standards Committee will have the following general roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;

- (b) assisting councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer; and
- (h) adjudication on complaints regarding the operation of District Council protocols annexed to the Constitution.

9.04 Role and Function – Specific Responsibilities

The Standards Committee will have the following specific responsibilities under the Local Government Act 2000 (as amended):

- (a) Section 56A – proposals for the establishment of joint Standards Committees for two or more authorities, including the Epping Forest District Council;
- (b) Section 57A – initial assessment of written allegations of breaches of the Code of Conduct;
- (c) Section 57B – reviews of any decision under Section 57A not to act on an allegation;
- (d) Section 57C – information to be given to the subject of an allegation;
- (e) Section 64 – receipt of reports by Ethical Standards Officers which are deemed to assist the Committee in the conduct of its functions;
- (f) Section 66 - matters referred to the Monitoring Officer for investigation and to the Standards Committee for adjudication
- (g) Section 66A – references to the Adjudication Panel for action in respect of misconduct.
- (h) Section 66B – provision, on behalf of the Council, of information on allegations and action taken to the Standards Board for England;

In respect of these functions, the Standards Committee shall comply with advice and regulations from the Secretary of State and advice and guidance from the Standards Board for England.

9.05 Role and Functions – Politically Restricted Posts

The Standards Committee will have the following specific responsibilities under the Local Government and Housing Act 1989 (as amended):

- (a) Section 2(2) – consideration of inclusion of a post or posts in the list of politically restricted appointments;
- (b) Section 3A – grant and supervision of exemptions from political restrictions.

In exercising its powers and duties under this article, the Standards Committee shall comply with advice and regulations issued by the Secretary of State.

9.06 Operational Arrangements

Details of operational arrangements for the Standards Committee are set out below:

Sub Committees

Where the Committee establishes a Sub Committee for the purpose of carrying out any of its functions, the Committee must ensure that:

- (a) at least one of the independent members is a member of that Sub Committee;
- (b) at least one member of any of the Parish Councils for which the District Council are the responsible authority is a member of that Sub Committee when matters relating to those Parish Councils are being considered.

Meeting Frequency

A minimum of four meetings per year will be held with additional meetings as and when required.

Democratic Practice

Meetings will be held in public but with provision for private sessions where necessary and subject to a public explanation for excluding the public and press.

Exempt Business

The Council's Access to Information rules shall apply to the proceedings of the Committee or of any Sub Committee established by it.

9.07 Scope of Duties

The Standards Committee has the same functions in relation to Parish Councils and parish councillors as apply to the District Council and district councillors under this Article of the Constitution.

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